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**Attorneys for Defendants Brandy  
White, B.B. (minor), N.B. (a minor),  
A.B. (a minor),**

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF ARIZONA**

Houston Specialty Insurance Company,

Plaintiff,

vs.

Leah Rekowski; K.R. (a minor); C.R. (a  
minor); Brandy White; B.B. (a minor); N.B.  
(a minor); A.B. (a minor); Jason Drew;  
Robert Dale Fogel; Mikal Fogel; Carmelo  
Pantino, Allied World Surplus Lines  
Insurance Company; Endurance American  
Insurance Company; Hendrickson Truck  
Lines, Inc. Regional Fire & Rescue  
Department, Inc. Travelers Indemnity  
Company; National Interstate Insurance;  
John Does I-X; Jane Does I-X, ABC  
Corporation I-X,

Defendants.

Case No: 2:23-cv-01187-JZB

**DEFENDANTS' BRANDY WHITE,  
B.B. ( a minor), N.B. (a minor) and A.B.  
(a minor) ANSWER TO PLAINTIFF'S  
AMENDED COMPLAINT IN  
INTERPLEADER**

Defendants Brandy White on behalf of herself and her minor children, B.B (a minor),  
N.B. (a minor) and A.B. (a minor) (collectively hereafter Defendants”), through undersigned  
counsel, Answers the Amended Complaint for Interpleader filed by Houston Specialty  
Insurance Company (“Complaint”), as follows:

1           1. Defendants are without sufficient information to determine whether the  
2 allegations in Paragraph 1 of Plaintiff's Amended Complaint are true or false and, therefore  
3 denies same.

4           2. Defendants are without sufficient information to determine whether the  
5 allegations in Paragraph 2 of Plaintiff's Amended Complaint are true or false and, therefore  
6 denies same.

7           3. Defendants are without sufficient information to determine whether the  
8 allegations in Paragraph 3 of Plaintiff's Amended Complaint are true or false and, therefore  
9 denies same.

10          4. Defendants are without sufficient information to determine whether the  
11 allegations in Paragraph 4 of Plaintiff's Amended Complaint are true or false and, therefore  
12 denies same.

13          5. Defendants are without sufficient information to determine whether the  
14 allegations in Paragraph 5 of Plaintiff's Amended Complaint are true or false and, therefore  
15 denies same.

16          6. Defendants are without sufficient information to determine whether the  
17 allegations in Paragraph 6 of Plaintiff's Amended Complaint are true or false and, therefore  
18 denies same.

19          7. Defendants are without sufficient information to determine whether the  
20 allegations in Paragraph 7 of Plaintiff's Amended Complaint are true or false and, therefore  
21 denies same.

22          8. Defendants are without sufficient information to determine whether the  
23 allegations in Paragraph 8 of Plaintiff's Amended Complaint are true or false and, therefore  
24 denies same.  
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1           9. Defendants are without sufficient information to determine whether the  
2 allegations in Paragraph 9 of Plaintiff's Amended Complaint are true or false and, therefore  
3 denies same.

4           10. Defendants are without sufficient information to determine whether the  
5 allegations in Paragraph 10 of Plaintiff's Amended Complaint are true or false and, therefore  
6 denies same.

7           11. Defendants are without sufficient information to determine whether the  
8 allegations in Paragraph 11 of Plaintiff's Amended Complaint are true or false and, therefore  
9 denies same.

10          12. Defendants admit to the allegations in Paragraph 12 of the Amended Complaint.

11                           **JURISDICTION AND VENUE**

12          13. Defendants incorporate the above paragraphs as if they were fully set forth  
13 herein.

14          14. Defendants allege that they are residents of Arizona and thus there is not  
15 complete diversity jurisdiction sufficient to compel jurisdiction under 28 U.S.C. §§ 1332 and  
16 1335 and therefore Defendants deny the jurisdictional allegations in Paragraph 14 of Plaintiff's  
17 Amended Complaint are true or false and, therefore denies same.

18          15. Defendants allege that they are residents of Arizona and thus there is not  
19 complete diversity jurisdiction sufficient to compel jurisdiction under 28 U.S.C. §§ 1332 and  
20 1335 and therefore Defendants deny the venue allegations in Paragraph 15 of Plaintiff's  
21 Amended Complaint.

22                           **CAUSE OF ACTION IN INTERPLEADER**

23          16. Defendants incorporate the above paragraphs as if they were fully set forth  
24 herein.  
25  
26

1           17. Defendants are without sufficient information to determine whether the  
2 allegations in Paragraph 17 of Plaintiff's Amended Complaint are true or false and, therefore  
3 denies same.

4           18. Defendants assert that the Commercial Lines Policy speaks for itself. Defendants  
5 are without sufficient information to determine whether the remaining allegations in Paragraph  
6 18 of Plaintiff's Amended Complaint are true or false and, therefore denies same.

7           19. Defendants admit the allegations in Paragraph 19 of the Amended Complaint.

8           20. Defendants admit the allegations in Paragraph 20 of the Amended Complaint.

9           21. Defendants assert that the October 2021 Letter speaks for itself. Defendants are  
10 without sufficient information to determine whether the remaining allegations in Paragraph 21  
11 of Plaintiff's Amended Complaint are true or false and, therefore denies same.

12          22. Defendant admits the allegations in Paragraph 22 of the Amended Complaint.

13          23. Defendant admits the allegations in Paragraph 23 of the Amended Complaint.

14          24. Defendants assert that the Complaint in CV2022-054009 speaks for itself.  
15 Defendants are without sufficient information to determine whether the remaining allegations  
16 in Paragraph 24 of Plaintiff's Amended Complaint are true or false and, therefore denies same.

17          25. Defendants admit the allegations in Paragraph 25 of the Amended Complaint.

18          26. Defendants are without sufficient information to determine whether the  
19 allegations in Paragraph 26 of Plaintiff's Amended Complaint are true or false and, therefore  
20 denies same.

21          27. Defendants deny the allegations in Paragraph 25 of the Amended Complaint.  
22 Defendants filed a Complaint via TurboCourt on July 3, 2023, in the Maricopa County  
23 Superior Court, Case No. CV2023-052533.

24          28. Defendants are without sufficient information to determine whether all the  
25 allegations in Paragraph 28 of Plaintiff's Amended Complaint are true or false and, therefore  
26 admit Defendants submitted damage to Plaintiff. Defendants' total medical damages total

1 \$128,087.17 and total pain and suffering for all Defendants \$474,997.00. Damages  
2 collectively totaling \$553,084.17. Defendants are unable to admit or deny whether the amounts  
3 presented by the other Defendants are accurate.

4 29. Defendants are without sufficient information to determine whether all the  
5 allegations in Paragraph 29 and subparts of Plaintiff's Amended Complaint are true or false  
6 and, therefore Defendants are unable to admit or deny the allegations in Paragraph 29.

7 30. Defendants are without sufficient information to determine whether all the  
8 allegations in Paragraph 30 of Plaintiff's Amended Complaint are true or false and, therefore  
9 Defendants are unable to admit or deny the allegations in Paragraph 30.

10 31. Defendants are without sufficient information to determine whether all the  
11 allegations in Paragraph 31 of Plaintiff's Amended Complaint are true or false and, therefore  
12 Defendants are unable to admit or deny the allegations in Paragraph 31.

13 32. Defendants admit the allegations in Paragraph 32 of Plaintiff's Amended  
14 Complaint.

15 33. Defendants admit that they had agreed to mediation. However, they have since  
16 filed suit against Plaintiff's insured and are pursuing additional damages outside the policy  
17 limits.

18 34. Defendants are without sufficient information to determine whether all the  
19 allegations in Paragraph 34 of Plaintiff's Amended Complaint are true or false and, therefore  
20 Defendants are unable to admit or deny the allegations in Paragraph 34.

21 35. Defendants are without sufficient information to determine whether all the  
22 allegations in Paragraph 35 of Plaintiff's Amended Complaint are true or false and, therefore  
23 Defendants are unable to admit or deny the allegations in Paragraph 35.

24 36. Defendants are without sufficient information to determine whether all the  
25 allegations in Paragraph 35 of Plaintiff's Amended Complaint are true or false and, therefore  
26 Defendants are unable to admit or deny the allegations in Paragraph 35.

1           37. Defendants are without sufficient information to determine whether all the  
2 allegations in Paragraph 37 of Plaintiff's Amended Complaint are true or false and, therefore  
3 Defendants are unable to admit or deny the allegations in Paragraph 37.

4           38. Defendants are without sufficient information to determine whether all the  
5 allegations in Paragraph 38 of Plaintiff's Amended Complaint are true or false and, therefore  
6 Defendants are unable to admit or deny the allegations in Paragraph 38.

7           39. Defendants are without sufficient information to determine whether all the  
8 allegations in Paragraph 39 of Plaintiff's Amended Complaint are true or false and, therefore  
9 Defendants are unable to admit or deny the allegations in Paragraph 39.

10          40. Defendants are without sufficient information to determine whether all the  
11 allegations in Paragraph 39 of Plaintiff's Amended Complaint are true or false and, therefore  
12 Defendants are unable to admit or deny the allegations in Paragraph 39.

13          41. Defendants are without sufficient information to determine whether the  
14 allegations in Paragraph 41 of Plaintiff's Amended Complaint are true or false and, therefore  
15 denies same.

16          42. Defendants admit the allegations of Paragraph 42 and agree Plaintiff should not  
17 be able to recover attorneys' fees and costs.

18 WHEREFORE, having answered Plaintiff's Amended Complaint, Defendants requests the  
19 following relief:

- 20          1. That the Court enter an order directing Plaintiff to deposit its policy limits of  
21             \$1,000,000.00 into an interest-bearing account for subsequent distribution according to  
22             this Court's direction.
- 23          2. That the Court enter an order distributing the interpleaded funds in a manner sufficient  
24             to compensate Defendants.
- 25          3. That Defendants be awarded taxable costs.
- 26          4. That the Court grant Defendants any further relief that the Court may deem just and  
              fair.

1       **RESPECTFULLY SUBMITTED** this 15th day of September, 2023.

2                               **SHAPIRO LAW TEAM**

3  
4                               

5                               By: \_\_\_\_\_  
6                               David C. Shapiro, Esq.  
7                               Heather E. Bushor, Esq.  
8                               5725 N. Scottsdale Rd., Ste 110  
9                               Scottsdale, Arizona 85250  
10                              *Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 15<sup>th</sup> day of September, 2023, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants or by mailing a copy via the U.S. Postal service:

:

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